



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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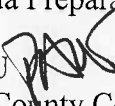
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County Counsel

January 15, 2013

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Alberto Gutierrez v. County of Los Angeles
United States District Court Case No. CV 10-04428

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Alberto Gutierrez v. County of Los Angeles, United States District Court Case No. CV 10-04428, in the amount of \$230,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of false arrest by Sheriff Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alberto Gutierrez v. County of Los Angeles, et al.
CASE NUMBER	CV 1004428
COURT	United States District Court
DATE FILED	October 6, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 230,000
ATTORNEY FOR PLAINTIFF	Arnold Casillas, Esq. Gregory W. Moreno & Associates
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Alberto Gutierrez alleges that his civil rights were violated when he was falsely arrested by Sheriff's Deputies and then prosecuted.</p> <p>The Sheriff's Deputies contend that they had probable cause for the arrest and prosecution.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$230,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 43,329
PAID COSTS, TO DATE	\$ 17,445

Case Name: Alberto Gutierrez v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Tuesday, May 27, 2008 through April 2010
Briefly provide a description of the incident/event:	<p><u>Alberto Gutierrez v. County of Los Angeles</u> Summary Corrective Action Plan No. 2012-032</p> <p>The plaintiff alleged that members of the Los Angeles County Sheriff's Department violated his civil rights by fabricating evidence to have him arrested and conspired to conceal a romantic relationship between his estranged wife and a member of the Los Angeles County Sheriff's Department.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged that members of the Los Angeles County Sheriff's Department violated his civil rights by fabricating evidence to have him arrested and prosecuted.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

While no specific corrective action measures are immediately cited, representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau initiated an administrative investigation to evaluate the incident more thoroughly.

This section intentionally left blank.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator)

Shaun J. Mathers, Captain
Risk Management Bureau

Signature:



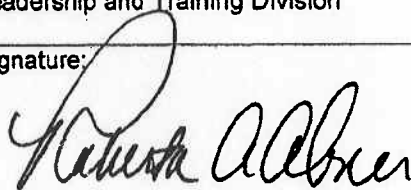
Date:

10/31/12

Name: (Department Head)

Roberta A. Abner, Chief
Leadership and Training Division

Signature:



Date:

10/31/12

Chief Executive Office Risk Management Branch

Name:

LEO COSTANTINO

Signature:



Date:

11/20/12

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